

1 evidence.)

2 MR. SCHAUBLE: Your Honor, I move Bureau Exhibit  
3 180 into evidence.

4 MR. KELLER: Same objection.

5 CHIEF JUDGE CHACKIN: Bureau Exhibit 180 is  
6 rejected.

7 (The document referred to,  
8 having been previously marked  
9 for identification as Bureau  
10 Exhibit 180, was rejected.)

11 MR. SCHAUBLE: Your Honor, I move Bureau Exhibit  
12 181 into evidence.

13 CHIEF JUDGE CHACKIN: Any objection?

14 MR. KELLER: No.

15 CHIEF JUDGE CHACKIN: Bureau Exhibit 181 is  
16 received.

17 (The document referred to,  
18 having been previously marked  
19 for identification as Bureau  
20 Exhibit 181, was received in  
21 evidence.)

22 MR. SCHAUBLE: Your Honor, I move Bureau Exhibit  
23 182 into evidence.

24 CHIEF JUDGE CHACKIN: Any objection?

25 MR. KELLER: No objection.

1 CHIEF JUDGE CHACKIN: Bureau Exhibit 182 is  
2 received.

3 (The document referred to,  
4 having been previously marked  
5 for identification as Bureau  
6 Exhibit 182, was received in  
7 evidence.)

8 MR. SCHAUBLE: Your Honor, I move Bureau Exhibit  
9 183 into evidence.

10 CHIEF JUDGE CHACKIN: Bureau Exhibit 183 is  
11 received for official notice purposes.

12 (The document referred to,  
13 having been previously marked  
14 for identification as Bureau  
15 Exhibit 183, was received in  
16 evidence.)

17 MR. SCHAUBLE: Your Honor, I move Bureau Exhibit  
18 184 into evidence.

19 CHIEF JUDGE CHACKIN: Any objection?

20 MR. KELLER: No objection.

21 CHIEF JUDGE CHACKIN: Bureau Exhibit 184 is  
22 received.

23 (The document referred to,  
24 having been previously marked  
25 for identification as Bureau

1 Exhibit 184, was received in  
2 evidence.)

3 MR. SCHAUBLE: Your Honor, I move Bureau Exhibit  
4 185 into evidence.

5 CHIEF JUDGE CHACKIN: Any objection?

6 MR. KELLER: No objection.

7 CHIEF JUDGE CHACKIN: Bureau Exhibit 185 is  
8 received.

9 (The document referred to,  
10 having been previously marked  
11 for identification as Bureau  
12 Exhibit 185, was received in  
13 evidence.)

14 MR. SCHAUBLE: Your Honor, I move Bureau Exhibit  
15 186 into evidence.

16 CHIEF JUDGE CHACKIN: Bureau Exhibit 186 is  
17 received for official notice purposes.

18 (The document referred to,  
19 having been previously marked  
20 for identification as Bureau  
21 Exhibit 186, was received in  
22 evidence.)

23 MR. SCHAUBLE: Your Honor, I move Bureau Exhibit  
24 187 into evidence.

25 CHIEF JUDGE CHACKIN: Any objection?

1 MR. KELLER: No objection, Your Honor.

2 CHIEF JUDGE CHACKIN: Bureau Exhibit 187 is  
3 received.

4 (The document referred to,  
5 having been previously marked  
6 for identification as Bureau  
7 Exhibit 187, was received in  
8 evidence.)

9 MR. SCHAUBLE: Your Honor, I move Bureau Exhibit  
10 188 into evidence.

11 CHIEF JUDGE CHACKIN: Any objection?

12 MR. KELLER: 188, no.

13 CHIEF JUDGE CHACKIN: Bureau Exhibit 188 is  
14 received.

15 (The document referred to,  
16 having been previously marked  
17 for identification as Bureau  
18 Exhibit 188, was received in  
19 evidence.)

20 MR. SCHAUBLE: Your Honor, I move Bureau Exhibit  
21 189 into evidence.

22 CHIEF JUDGE CHACKIN: Bureau Exhibit 189 is  
23 received for official notice purposes.

24 (The document referred to,  
25 having been previously marked

1 for identification as Bureau  
2 Exhibit 189, was received in  
3 evidence.)

4 MR. SCHAUBLE: Your Honor, I move Bureau Exhibit  
5 190 into evidence.

6 CHIEF JUDGE CHACKIN: Any objection?

7 MR. KELLER: No objection?

8 CHIEF JUDGE CHACKIN: Bureau Exhibit 190 is  
9 received.

10 (The document referred to,  
11 having been previously marked  
12 for identification as Bureau  
13 Exhibit 190, was received in  
14 evidence.)

15 MR. SCHAUBLE: Your Honor, I move Bureau Exhibit  
16 191 into evidence.

17 CHIEF JUDGE CHACKIN: Any objection?

18 MR. KELLER: No objection.

19 CHIEF JUDGE CHACKIN: Bureau Exhibit 191 is  
20 received.

21 (The document referred to,  
22 having been previously marked  
23 for identification as Bureau  
24 Exhibit 191, was received in  
25 evidence.)

1           MR. SCHAUBLE: Your Honor, I now move Bureau  
2 Exhibit 192 into evidence.

3           CHIEF JUDGE CHACKIN: Bureau Exhibit 192 is  
4 received for official notice purposes.

5                           (The document referred to,  
6                           having been previously marked  
7                           for identification as Bureau  
8                           Exhibit 192, was received in  
9                           evidence.)

10          MR. SCHAUBLE: Your Honor, I now request that  
11 Bureau Exhibit 193 be entered into evidence.

12          CHIEF JUDGE CHACKIN: Any objection?

13          MR. KELLER: No objection.

14          CHIEF JUDGE CHACKIN: Bureau Exhibit 193 is  
15 received.

16                           (The document referred to,  
17                           having been previously marked  
18                           for identification as Bureau  
19                           Exhibit 193, was received in  
20                           evidence.)

21          MR. SCHAUBLE: Your Honor, I move Bureau Exhibit  
22 194 into evidence.

23          MR. KELLER: Same objection.

24          CHIEF JUDGE CHACKIN: Bureau Exhibit 194 is  
25 rejected.

1 (The document referred to,  
2 having been previously marked  
3 for identification as Bureau  
4 Exhibit 194, was rejected.)

5 MR. SCHAUBLE: Your Honor, I move Bureau Exhibit  
6 195 into evidence.

7 CHIEF JUDGE CHACKIN: Any objection?

8 MR. KELLER: None.

9 CHIEF JUDGE CHACKIN: Bureau Exhibit 195 is  
10 received.

11 (The document referred to,  
12 having been previously marked  
13 for identification as Bureau  
14 Exhibit 195, was received in  
15 evidence.)

16 MR. SCHAUBLE: Your Honor, I move Bureau Exhibit  
17 196 into evidence.

18 CHIEF JUDGE CHACKIN: Any objection?

19 MR. KELLER: No objection.

20 CHIEF JUDGE CHACKIN: Bureau Exhibit 196 is  
21 received.

22 (The document referred to,  
23 having been previously marked  
24 for identification as Bureau  
25 Exhibit 196, was received in

1 evidence.)

2 MR. SCHAUBLE: Your Honor, I move Bureau Exhibit  
3 197 into evidence.

4 CHIEF JUDGE CHACKIN: Bureau Exhibit 197 is  
5 received for official notice purposes.

6 (The document referred to,  
7 having been previously marked  
8 for identification as Bureau  
9 Exhibit 197, was received in  
10 evidence.)

11 MR. SCHAUBLE: Your Honor, I move Bureau Exhibit  
12 198 into evidence.

13 CHIEF JUDGE CHACKIN: Any objection?

14 MR. KELLER: No objection.

15 CHIEF JUDGE CHACKIN: Bureau Exhibit 198 is  
16 received.

17 (The document referred to,  
18 having been previously marked  
19 for identification as Bureau  
20 Exhibit 198, was received in  
21 evidence.)

22 MR. SCHAUBLE: Your Honor, I move Bureau Exhibit  
23 199 into evidence.

24 CHIEF JUDGE CHACKIN: Any objection?

25 MR. KELLER: No objection.

1 CHIEF JUDGE CHACKIN: Bureau Exhibit 199 is  
2 received.

3 (The document referred to,  
4 having been previously marked  
5 for identification as Bureau  
6 Exhibit 199, was received in  
7 evidence.)

8 MR. SCHAUBLE: Your Honor, I move Bureau Exhibit  
9 200 into evidence.

10 CHIEF JUDGE CHACKIN: Bureau Exhibit 200 is  
11 received for official notice purposes.

12 (The document referred to,  
13 having been previously marked  
14 for identification as Bureau  
15 Exhibit 200, was received in  
16 evidence.)

17 MR. SCHAUBLE: Your Honor, I move Bureau Exhibit  
18 201 into evidence.

19 CHIEF JUDGE CHACKIN: Any objection?

20 MR. KELLER: No objection.

21 CHIEF JUDGE CHACKIN: Bureau Exhibit 201 is  
22 received.

23 (The document referred to,  
24 having been previously marked  
25 for identification as Bureau

1 Exhibit 201, was received in  
2 evidence.)

3 MR. SCHAUBLE: Your Honor, I move Bureau Exhibit  
4 202 into evidence.

5 CHIEF JUDGE CHACKIN: Any objection?

6 MR. KELLER: No objection.

7 CHIEF JUDGE CHACKIN: Bureau Exhibit 202 is  
8 received.

9 (The document referred to,  
10 having been previously marked  
11 for identification as Bureau  
12 Exhibit 202, was received in  
13 evidence.)

14 MR. SCHAUBLE: Your Honor, I move Bureau Exhibit  
15 203 into evidence.

16 CHIEF JUDGE CHACKIN: Bureau Exhibit 203 is  
17 received for official notice purposes.

18 (The document referred to,  
19 having been previously marked  
20 for identification as Bureau  
21 Exhibit 203, was received in  
22 evidence.)

23 MR. SCHAUBLE: Your Honor, I move Bureau Exhibit  
24 204 into evidence.

25 CHIEF JUDGE CHACKIN: Any objection?

1 MR. KELLER: No objection.

2 CHIEF JUDGE CHACKIN: Bureau Exhibit 204 is  
3 received.

4 (The document referred to,  
5 having been previously marked  
6 for identification as Bureau  
7 Exhibit 204, was received in  
8 evidence.)

9 MR. SCHAUBLE: Your Honor, I move Bureau Exhibit  
10 205 into evidence.

11 MR. KELLER: Same objection.

12 CHIEF JUDGE CHACKIN: Bureau Exhibit 205 is  
13 rejected.

14 (The document referred to,  
15 having been previously marked  
16 for identification as Bureau  
17 Exhibit 205, was rejected.)

18 MR. SCHAUBLE: Your Honor, I move Bureau Exhibit  
19 206 into evidence.

20 CHIEF JUDGE CHACKIN: Any objection?

21 MR. KELLER: No, Your Honor.

22 CHIEF JUDGE CHACKIN: Bureau Exhibit 206 is  
23 received.

24 (The document referred to,  
25 having been previously marked

1 for identification as Bureau  
2 Exhibit 206, was received in  
3 evidence.)

4 MR. SCHAUBLE: Your Honor, I move Bureau Exhibit  
5 207 into evidence.

6 CHIEF JUDGE CHACKIN: Bureau Exhibit 207 is -- oh,  
7 any objections?

8 MR. KELLER: No, Your Honor.

9 CHIEF JUDGE CHACKIN: Bureau Exhibit 207 is  
10 received.

11 (The document referred to,  
12 having been previously marked  
13 for identification as Bureau  
14 Exhibit 207, was received in  
15 evidence.)

16 MR. SCHAUBLE: Your Honor, I move Bureau Exhibit  
17 208 into evidence.

18 CHIEF JUDGE CHACKIN: Bureau Exhibit 208 is  
19 received for official notice purposes.

20 (The document referred to,  
21 having been previously marked  
22 for identification as Bureau  
23 Exhibit 208, was received in  
24 evidence.)

25 MR. SCHAUBLE: Your Honor, I move Bureau Exhibit

1 209 into evidence.

2 CHIEF JUDGE CHACKIN: Any objection?

3 MR. KELLER: None, Your Honor.

4 CHIEF JUDGE CHACKIN: Bureau Exhibit 209 is  
5 received.

6 (The document referred to,  
7 having been previously marked  
8 for identification as Bureau  
9 Exhibit 209, was received in  
10 evidence.)

11 MR. SCHAUBLE: Your Honor, I move Bureau Exhibit  
12 210 into evidence.

13 MR. KELLER: Same objection, Your Honor.

14 CHIEF JUDGE CHACKIN: Bureau Exhibit 210 is  
15 rejected.

16 (The document referred to,  
17 having been previously marked  
18 for identification as Bureau  
19 Exhibit 210, was rejected.)

20 MR. SCHAUBLE: Your Honor, I move Bureau Exhibit  
21 211 into evidence.

22 CHIEF JUDGE CHACKIN: Any objection?

23 MR. KELLER: No, Your Honor.

24 CHIEF JUDGE CHACKIN: Bureau Exhibit 211 is  
25 received.

1 (The document referred to,  
2 having been previously marked  
3 for identification as Bureau  
4 Exhibit 211, was received in  
5 evidence.)

6 MR. SCHAUBLE: Your Honor, I move Bureau Exhibit  
7 212 into evidence.

8 CHIEF JUDGE CHACKIN: Any objection?

9 MR. KELLER: None.

10 CHIEF JUDGE CHACKIN: Bureau Exhibit 212 is  
11 received.

12 (The document referred to,  
13 having been previously marked  
14 for identification as Bureau  
15 Exhibit 212, was received in  
16 evidence.)

17 MR. SCHAUBLE: Your Honor, I move Bureau Exhibit  
18 213 into evidence.

19 CHIEF JUDGE CHACKIN: Bureau Exhibit 213 is  
20 received for official notice purposes.

21 (The document referred to,  
22 having been previously marked  
23 for identification as Bureau  
24 Exhibit 213, was received in  
25 evidence.)

1           MR. SCHAUBLE: Your Honor, I move Bureau Exhibit  
2 214 into evidence.

3           CHIEF JUDGE CHACKIN: Any objection?

4           MR. KELLER: No objection.

5           CHIEF JUDGE CHACKIN: Bureau Exhibit 214 is  
6 received.

7                                           (The document referred to,  
8                                           having been previously marked  
9                                           for identification as Bureau  
10                                          Exhibit 214, was received in  
11                                          evidence.)

12           MR. SCHAUBLE: Your Honor, I move Bureau Exhibit  
13 215 into evidence.

14           MR. KELLER: Same objection.

15           CHIEF JUDGE CHACKIN: Bureau Exhibit 215 is  
16 rejected.

17                                          (The document referred to,  
18                                          having been previously marked  
19                                          for identification as Bureau  
20                                          Exhibit 215, was rejected.)

21           MR. SCHAUBLE: Your Honor, I move Bureau Exhibit  
22 216 into evidence.

23           CHIEF JUDGE CHACKIN: Bureau Exhibit -- any  
24 objection?

25           MR. KELLER: No, Your Honor.

1 CHIEF JUDGE CHACKIN: Bureau Exhibit 216 is  
2 received.

3 (The document referred to,  
4 having been previously marked  
5 for identification as Bureau  
6 Exhibit 216, was received in  
7 evidence.)

8 MR. SCHAUBLE: Your Honor, I move Bureau Exhibit  
9 217 into evidence.

10 CHIEF JUDGE CHACKIN: Any objection?

11 MR. KELLER: No, Your Honor.

12 CHIEF JUDGE CHACKIN: Bureau Exhibit 217 is  
13 received.

14 (The document referred to,  
15 having been previously marked  
16 for identification as Bureau  
17 Exhibit 217, was received in  
18 evidence.)

19 MR. SCHAUBLE: Your Honor, I move Bureau Exhibit  
20 218 into evidence.

21 CHIEF JUDGE CHACKIN: Bureau Exhibit 218 is  
22 received for official notice purposes.

23 (The document referred to,  
24 having been previously marked  
25 for identification as Bureau

1 Exhibit 218, was received in  
2 evidence.)

3 MR. SCHAUBLE: Your Honor, I move Bureau Exhibit  
4 219 into evidence.

5 CHIEF JUDGE CHACKIN: Any objection?

6 MR. KELLER: No objection.

7 CHIEF JUDGE CHACKIN: Bureau Exhibit 219 is  
8 received.

9 (The document referred to,  
10 having been previously marked  
11 for identification as Bureau  
12 Exhibit 219, was received in  
13 evidence.)

14 MR. SCHAUBLE: Your Honor, I move Bureau Exhibit  
15 220 into evidence.

16 MR. KELLER: Same objection, Your Honor.

17 CHIEF JUDGE CHACKIN: Bureau Exhibit 220 is  
18 rejected.

19 (The document referred to,  
20 having been previously marked  
21 for identification as Bureau  
22 Exhibit 220, was rejected.)

23 MR. SCHAUBLE: Your Honor, I move Bureau Exhibit  
24 221 into evidence.

25 CHIEF JUDGE CHACKIN: Any objection?

1 MR. KELLER: No objection.

2 CHIEF JUDGE CHACKIN: Bureau Exhibit 221 is  
3 received.

4 (The document referred to,  
5 having been previously marked  
6 for identification as Bureau  
7 Exhibit 221, was received in  
8 evidence.)

9 MR. SCHAUBLE: Your Honor, I move Bureau Exhibit  
10 222 into evidence.

11 CHIEF JUDGE CHACKIN: Any objection?

12 MR. KELLER: No objection.

13 CHIEF JUDGE CHACKIN: Bureau Exhibit 122 is  
14 received.

15 (The document referred to,  
16 having been previously marked  
17 for identification as Bureau  
18 Exhibit 222, was received in  
19 evidence.)

20 MR. SCHAUBLE: Your Honor, I move Bureau Exhibit  
21 223 into evidence.

22 CHIEF JUDGE CHACKIN: Bureau Exhibit 223 is  
23 received for official notice purposes.

24 (The document referred to,  
25 having been previously marked

1 for identification as Bureau  
2 Exhibit 223, was received in  
3 evidence.)

4 MR. SCHAUBLE: Your Honor, I move Bureau Exhibit  
5 224 into evidence.

6 CHIEF JUDGE CHACKIN: Any objection?

7 MR. KELLER: No objection.

8 CHIEF JUDGE CHACKIN: Bureau Exhibit 224 is  
9 received.

10 (The document referred to,  
11 having been previously marked  
12 for identification as Bureau  
13 Exhibit 224, was received in  
14 evidence.)

15 MR. SCHAUBLE: Your Honor, I move Bureau Exhibit  
16 225 into evidence.

17 MR. KELLER: Same objection.

18 CHIEF JUDGE CHACKIN: Bureau Exhibit 225 is  
19 rejected.

20 (The document referred to,  
21 having been previously marked  
22 for identification as Bureau  
23 Exhibit 225, was rejected.)

24 MR. SCHAUBLE: Your Honor, I move Bureau Exhibit  
25 226 into evidence.

1 CHIEF JUDGE CHACKIN: Any objection?

2 MR. KELLER: None, Your Honor.

3 CHIEF JUDGE CHACKIN: Bureau Exhibit 226 is  
4 received.

5 (The document referred to,  
6 having been previously marked  
7 for identification as Bureau  
8 Exhibit 226, was received in  
9 evidence.)

10 MR. SCHAUBLE: Your Honor, I move Bureau Exhibit  
11 227 into evidence.

12 CHIEF JUDGE CHACKIN: Any objection?

13 MR. KELLER: No objection, Your Honor.

14 CHIEF JUDGE CHACKIN: Bureau Exhibit 227 is  
15 received.

16 (The document referred to,  
17 having been previously marked  
18 for identification as Bureau  
19 Exhibit 227, was received in  
20 evidence.)

21 MR. SCHAUBLE: Your Honor, I move Bureau Exhibit  
22 228 into evidence.

23 CHIEF JUDGE CHACKIN: Bureau Exhibit 228 is  
24 received for official notice purposes.

25 //

1 (The document referred to,  
2 having been previously marked  
3 for identification as Bureau  
4 Exhibit 228, was received in  
5 evidence.)

6 MR. SCHAUBLE: Your Honor, I move Bureau Exhibit  
7 229 into evidence.

8 CHIEF JUDGE CHACKIN: Any objection?

9 MR. KELLER: No, Your Honor.

10 CHIEF JUDGE CHACKIN: Bureau Exhibit 229 is  
11 received.

12 (The document referred to,  
13 having been previously marked  
14 for identification as Bureau  
15 Exhibit 229, was received in  
16 evidence.)

17 MR. SCHAUBLE: Your Honor, I move Bureau Exhibit  
18 230 into evidence.

19 MR. KELLER: Same objection, Your Honor.

20 CHIEF JUDGE CHACKIN: Bureau Exhibit 230 is  
21 rejected.

22 (The document referred to,  
23 having been previously marked  
24 for identification as Bureau  
25 Exhibit 230, was rejected.)



1 received for official notice purposes.

2 (The document referred to,  
3 having been previously marked  
4 for identification as Bureau  
5 Exhibit 233, was received in  
6 evidence.)

7 MR. SCHAUBLE: Your Honor, I move Bureau Exhibit  
8 234 into evidence.

9 CHIEF JUDGE CHACKIN: Any objection?

10 MR. KELLER: No objection.

11 CHIEF JUDGE CHACKIN: Bureau Exhibit 234 is  
12 received.

13 (The document referred to,  
14 having been previously marked  
15 for identification as Bureau  
16 Exhibit 234, was received in  
17 evidence.)

18 MR. SCHAUBLE: Your Honor, I move Bureau Exhibit  
19 235 into evidence.

20 MR. KELLER: Same objection.

21 CHIEF JUDGE CHACKIN: Bureau Exhibit 235 is  
22 rejected.

23 (The document referred to,  
24 having been previously marked  
25 for identification as Bureau

1 Exhibit 235, was rejected in  
2 evidence.)

3 MR. SCHAUBLE: Your Honor, I move Bureau Exhibit  
4 236 into evidence.

5 CHIEF JUDGE CHACKIN: Any objection?

6 MR. KELLER: None, Your Honor.

7 CHIEF JUDGE CHACKIN: Bureau Exhibit 236 is  
8 received.

9 (The document referred to,  
10 having been previously marked  
11 for identification as Bureau  
12 Exhibit 236, was received in  
13 evidence.)

14 MR. SCHAUBLE: Your Honor, I move Bureau Exhibit  
15 237 into evidence.

16 CHIEF JUDGE CHACKIN: Any objection?

17 MR. KELLER: None.

18 CHIEF JUDGE CHACKIN: Bureau Exhibit 237 is  
19 received.

20 (The document referred to,  
21 having been previously marked  
22 for identification as Bureau  
23 Exhibit 237, was received in  
24 evidence.)

25 MR. SCHAUBLE: Your Honor, I move Bureau Exhibit

1 into evidence.

2 CHIEF JUDGE CHACKIN: Bureau Exhibit 238 is  
3 received for official notice purposes.

4 (The document referred to,  
5 having been previously marked  
6 for identification as Bureau  
7 Exhibit 238, was received in  
8 evidence.)

9 MR. SCHAUBLE: Your Honor, I move Bureau Exhibit  
10 239 into evidence.

11 CHIEF JUDGE CHACKIN: Any objection?

12 MR. KELLER: No objection.

13 CHIEF JUDGE CHACKIN: Bureau Exhibit 239 is  
14 received.

15 (The document referred to,  
16 having been previously marked  
17 for identification as Bureau  
18 Exhibit 239, was received in  
19 evidence.)

20 MR. SCHAUBLE: Your Honor, I move Bureau Exhibit  
21 240 into evidence.

22 CHIEF JUDGE CHACKIN: Any objection?

23 MR. KELLER: No objection.

24 CHIEF JUDGE CHACKIN: Bureau Exhibit 240 is  
25 received.

1 (The document referred to,  
2 having been previously marked  
3 for identification as Bureau  
4 Exhibit 240, was received in  
5 evidence.)

6 MR. SCHAUBLE: Your Honor, I move Bureau Exhibit  
7 241 into evidence.

8 CHIEF JUDGE CHACKIN: Bureau Exhibit 241 is  
9 received for official notice purposes.

10 (The document referred to,  
11 having been previously marked  
12 for identification as Bureau  
13 Exhibit 241, was received in  
14 evidence.)

15 MR. SCHAUBLE: Your Honor, I move Bureau Exhibit  
16 242 into evidence.

17 CHIEF JUDGE CHACKIN: Any objection?

18 MR. KELLER: No objection.

19 CHIEF JUDGE CHACKIN: Bureau Exhibit 242 is  
20 received.

21 (The document referred to,  
22 having been previously marked  
23 for identification as Bureau  
24 Exhibit 242, was received in  
25 evidence.)

1 MR. SCHAUBLE: Your Honor, I move Bureau Exhibit  
2 243 into evidence.

3 CHIEF JUDGE CHACKIN: Any objection?

4 MR. KELLER: No objection.

5 CHIEF JUDGE CHACKIN: Bureau Exhibit 243 is  
6 received.

7 (The document referred to,  
8 having been previously marked  
9 for identification as Bureau  
10 Exhibit 243, was received in  
11 evidence.)

12 MR. SCHAUBLE: Your Honor, I move Bureau Exhibit  
13 244 into evidence.

14 CHIEF JUDGE CHACKIN: Bureau Exhibit 244 is  
15 received for official notice purposes.

16 (The document referred to,  
17 having been previously marked  
18 for identification as Bureau  
19 Exhibit 244, was received in  
20 evidence.)

21 MR. SCHAUBLE: Your Honor, I move Bureau Exhibit  
22 245 into evidence.

23 CHIEF JUDGE CHACKIN: Any objection?

24 MR. KELLER: No objection.

25 CHIEF JUDGE CHACKIN: Bureau Exhibit 245 is

1 received.

2 (The document referred to,  
3 having been previously marked  
4 for identification as Bureau  
5 Exhibit 245, was received in  
6 evidence.)

7 MR. SCHAUBLE: Your Honor, I move Bureau Exhibit  
8 246 into evidence.

9 CHIEF JUDGE CHACKIN: Any objection?

10 MR. KELLER: No objection.

11 CHIEF JUDGE CHACKIN: Bureau Exhibit 246 is  
12 received.

13 (The document referred to,  
14 having been previously marked  
15 for identification as Bureau  
16 Exhibit 246, was received in  
17 evidence.)

18 MR. SCHAUBLE: Your Honor, I move Bureau Exhibit  
19 247 into evidence.

20 CHIEF JUDGE CHACKIN: Bureau Exhibit 247 is  
21 received for official notice purposes.

22 (The document referred to,  
23 having been previously marked  
24 for identification as Bureau  
25 Exhibit 247, was received in

1 evidence.)

2 MR. SCHAUBLE: Your Honor, I move Bureau Exhibit  
3 248 into evidence.

4 CHIEF JUDGE CHACKIN: Any objection?

5 MR. KELLER: None, Your Honor.

6 CHIEF JUDGE CHACKIN: Bureau Exhibit 248 is  
7 received.

8 (The document referred to,  
9 having been previously marked  
10 for identification as Bureau  
11 Exhibit 248, was received in  
12 evidence.)

13 MR. SCHAUBLE: Your Honor, I move Bureau Exhibit  
14 249 into evidence.

15 CHIEF JUDGE CHACKIN: Any objection?

16 MR. KELLER: None.

17 CHIEF JUDGE CHACKIN: Bureau Exhibit 249 is  
18 received.

19 (The document referred to,  
20 having been previously marked  
21 for identification as Bureau  
22 Exhibit 249, was received in  
23 evidence.)

24 MR. SCHAUBLE: Your Honor, I move Bureau Exhibit  
25 250 into evidence.

1 CHIEF JUDGE CHACKIN: Bureau Exhibit 250 is  
2 received for official notice purposes.

3 (The document referred to,  
4 having been previously marked  
5 for identification as Bureau  
6 Exhibit 250, was received in  
7 evidence.)

8 MR. SCHAUBLE: Your Honor, I move Bureau Exhibit  
9 251 into evidence.

10 CHIEF JUDGE CHACKIN: I assume there's no  
11 objection.

12 MR. KELLER: No objection.

13 CHIEF JUDGE CHACKIN: Bureau Exhibit 251 is  
14 received.

15 (The document referred to,  
16 having been previously marked  
17 for identification as Bureau  
18 Exhibit 251, was received in  
19 evidence.)

20 MR. SCHAUBLE: Your Honor, I move Bureau Exhibit  
21 252 into evidence.

22 CHIEF JUDGE CHACKIN: No objection? Bureau  
23 Exhibit 252 is received.

24 //

25 //

1 (The document referred to,  
2 having been previously marked  
3 for identification as Bureau  
4 Exhibit 252, was received in  
5 evidence.)

6 MR. SCHAUBLE: Your Honor, I move Bureau Exhibit  
7 253 into evidence.

8 CHIEF JUDGE CHACKIN: Bureau Exhibit 253 is  
9 received for official notice purposes.

10 (The document referred to,  
11 having been previously marked  
12 for identification as Bureau  
13 Exhibit 253, was received in  
14 evidence.)

15 MR. SCHAUBLE: Your Honor, I move Bureau Exhibit  
16 254 into evidence.

17 CHIEF JUDGE CHACKIN: No objection?

18 MR. KELLER: No objection, Your Honor.

19 CHIEF JUDGE CHACKIN: Bureau Exhibit 254 is  
20 received.

21 (The document referred to,  
22 having been previously marked  
23 for identification as Bureau  
24 Exhibit 254, was received in  
25 evidence.)

1           MR. SCHAUBLE: Your Honor, I move Bureau Exhibit  
2 255 into evidence.

3           CHIEF JUDGE CHACKIN: No objection?

4           MR. KELLER: No, Your Honor.

5           CHIEF JUDGE CHACKIN: Bureau Exhibit 255 is  
6 received.

7                                 (The document referred to,  
8                                 having been previously marked  
9                                 for identification as Bureau  
10                                Exhibit 255, was received in  
11                                evidence.)

12           MR. SCHAUBLE: Your Honor, I move Bureau Exhibit  
13 256 into evidence.

14           CHIEF JUDGE CHACKIN: Bureau Exhibit 256 is  
15 received for official notice purposes.

16                                 (The document referred to,  
17                                 having been previously marked  
18                                 for identification as Bureau  
19                                 Exhibit 256, was received in  
20                                 evidence.)

21           MR. SCHAUBLE: Your Honor, I move Bureau Exhibit  
22 257 into evidence.

23           CHIEF JUDGE CHACKIN: No objection?

24           MR. KELLER: None.

25           CHIEF JUDGE CHACKIN: Bureau Exhibit 257 is

1 received.

2 (The document referred to,  
3 having been previously marked  
4 for identification as Bureau  
5 Exhibit 257, was received in  
6 evidence.)

7 MR. SCHAUBLE: Your Honor, I move Bureau Exhibit  
8 258 into evidence.

9 CHIEF JUDGE CHACKIN: No objection?

10 MR. KELLER: None, Your Honor.

11 CHIEF JUDGE CHACKIN: Bureau Exhibit 258 is  
12 received.

13 (The document referred to,  
14 having been previously marked  
15 for identification as Bureau  
16 Exhibit 258, was received in  
17 evidence.)

18 MR. SCHAUBLE: Your Honor, I move Bureau Exhibit  
19 259 into evidence.

20 CHIEF JUDGE CHACKIN: Bureau Exhibit 259 is  
21 received for official notice purposes.

22 (The document referred to,  
23 having been previously marked  
24 for identification as Bureau  
25 Exhibit 259, was received in

1 evidence.)

2 MR. SCHAUBLE: Your Honor, I move Bureau Exhibit  
3 260 into evidence.

4 MR. KELLER: No objection.

5 CHIEF JUDGE CHACKIN: Bureau Exhibit 260 is  
6 received.

7 (The document referred to,  
8 having been previously marked  
9 for identification as Bureau  
10 Exhibit 260, was received in  
11 evidence.)

12 MR. SCHAUBLE: Your Honor, I move Bureau Exhibit  
13 261 into evidence.

14 MR. KELLER: Same objection.

15 CHIEF JUDGE CHACKIN: Bureau Exhibit 261 is  
16 rejected.

17 (The document referred to,  
18 having been previously marked  
19 for identification as Bureau  
20 Exhibit 261, was rejected.)

21 MR. SCHAUBLE: Your Honor, I move Bureau Exhibit  
22 262 into evidence.

23 MR. KELLER: No objection.

24 CHIEF JUDGE CHACKIN: Bureau Exhibit 262 is  
25 received.

1 CHIEF JUDGE CHACKIN: Bureau Exhibit is received.  
2 (The document referred to,  
3 having been previously marked  
4 for identification as Bureau  
5 Exhibit 262, was received in  
6 evidence.)

7 MR. SCHAUBLE: Your Honor, I move Bureau Exhibit  
8 263 into evidence.

9 MR. KELLER: No objection.

10 CHIEF JUDGE CHACKIN: Bureau Exhibit 263 is  
11 received.

12 (The document referred to,  
13 having been previously marked  
14 for identification as Bureau  
15 Exhibit 263, was received in  
16 evidence.)

17 MR. SCHAUBLE: Your Honor, I move Bureau Exhibit  
18 264 into evidence.

19 CHIEF JUDGE CHACKIN: Bureau Exhibit 264 is  
20 received for official notice purposes.

21 (The document referred to,  
22 having been previously marked  
23 for identification as Bureau  
24 Exhibit 264, was received in  
25 evidence.)

1           MR. SCHAUBLE: Your Honor, I move Bureau Exhibit  
2 265 into evidence.

3           MR. KELLER: No objection.

4           CHIEF JUDGE CHACKIN: Bureau Exhibit 265 is  
5 received.

6                                           (The document referred to,  
7                                           having been previously marked  
8                                           for identification as Bureau  
9                                           Exhibit 265, was received in  
10                                          evidence.)

11           MR. SCHAUBLE: Your Honor, I move Bureau Exhibit  
12 266 into evidence.

13           MR. KELLER: No objection, Your Honor.

14           CHIEF JUDGE CHACKIN: Bureau Exhibit 266 is  
15 received.

16                                          (The document referred to,  
17                                          having been previously marked  
18                                          for identification as Bureau  
19                                          Exhibit 266, was received in  
20                                          evidence.)

21           MR. SCHAUBLE: Your Honor, I move Bureau Exhibit  
22 267 into evidence.

23           CHIEF JUDGE CHACKIN: Bureau Exhibit 267 is  
24 received for official notice purposes.

25 //

1 (The document referred to,  
2 having been previously marked  
3 for identification as Bureau  
4 Exhibit 267, was received in  
5 evidence.)

6 MR. SCHAUBLE: Your Honor, I move Bureau Exhibit  
7 268 into evidence.

8 MR. KELLER: No objection.

9 CHIEF JUDGE CHACKIN: Bureau Exhibit 268 is  
10 received.

11 (The document referred to,  
12 having been previously marked  
13 for identification as Bureau  
14 Exhibit 268, was received in  
15 evidence.)

16 MR. SCHAUBLE: Your Honor, I move Bureau Exhibit  
17 269 into evidence.

18 MR. KELLER: No objection.

19 CHIEF JUDGE CHACKIN: Bureau Exhibit 269 is  
20 received.

21 (The document referred to,  
22 having been previously marked  
23 for identification as Bureau  
24 Exhibit 269, was received in  
25 evidence.)

1           MR. SCHAUBLE: Your Honor, I move Bureau Exhibit  
2 270 into evidence.

3           CHIEF JUDGE CHACKIN: Bureau Exhibit 270 is  
4 received for official notice purposes.

5                                 (The document referred to,  
6                                 having been previously marked  
7                                 for identification as Bureau  
8                                 Exhibit 270, was received in  
9                                 evidence.)

10          MR. SCHAUBLE: Your Honor, I move Bureau Exhibit  
11 271 into evidence.

12          MR. KELLER: No objection, Your Honor.

13          CHIEF JUDGE CHACKIN: Bureau Exhibit 271 is  
14 received.

15                                 (The document referred to,  
16                                 having been previously marked  
17                                 for identification as Bureau  
18                                 Exhibit 271, was received in  
19                                 evidence.)

20          MR. SCHAUBLE: Your Honor, I move Bureau Exhibit  
21 272 into evidence.

22          MR. KELLER: No objection.

23          CHIEF JUDGE CHACKIN: Bureau Exhibit 272 is  
24 received.

25                                 (The document referred to,

1                   having been previously marked  
2                   for identification as Bureau  
3                   Exhibit 272, was received in  
4                   evidence.)

5                   MR. SCHAUBLE: Your Honor, I move Bureau Exhibit  
6                   273 into evidence.

7                   CHIEF JUDGE CHACKIN: Bureau Exhibit 273 is  
8                   received for official notice purposes.

9                   (The document referred to,  
10                   having been previously marked  
11                   for identification as Bureau  
12                   Exhibit 273, was received in  
13                   evidence.)

14                   MR. SCHAUBLE: Your Honor, I move Bureau Exhibit  
15                   274 into evidence.

16                   MR. KELLER: No objection.

17                   CHIEF JUDGE CHACKIN: Bureau Exhibit 274 is  
18                   received.

19                   (The document referred to,  
20                   having been previously marked  
21                   for identification as Bureau  
22                   Exhibit 274, was received in  
23                   evidence.)

24                   MR. SCHAUBLE: Your Honor, I move Bureau Exhibit  
25                   276 into evidence.

1 MR. KELLER: Same objection.

2 CHIEF JUDGE CHACKIN: 275.

3 MR. SCHAUBLE: I'm sorry. 275, Your Honor.

4 CHIEF JUDGE CHACKIN: Bureau Exhibit 275 is  
5 rejected.

6 (The document referred to,  
7 having been previously marked  
8 for identification as Bureau  
9 Exhibit 275, was rejected.)

10 MR. SCHAUBLE: Your Honor, I move Bureau Exhibit  
11 276 into evidence.

12 MR. KELLER: No objection.

13 CHIEF JUDGE CHACKIN: Bureau Exhibit 276 is  
14 received.

15 (The document referred to,  
16 having been previously marked  
17 for identification as Bureau  
18 Exhibit 276, was received in  
19 evidence.)

20 MR. SCHAUBLE: Your Honor, I move Bureau Exhibit  
21 277 into evidence.

22 MR. KELLER: No objection.

23 CHIEF JUDGE CHACKIN: Bureau Exhibit 277 is  
24 received.

25 (The document referred to,

1                   having been previously marked  
2                   for identification as Bureau  
3                   Exhibit 277, was received in  
4                   evidence.)

5                   MR. SCHAUBLE: Your Honor, I move Bureau Exhibit  
6                   278 into evidence.

7                   CHIEF JUDGE CHACKIN: Bureau Exhibit 278 is  
8                   received for official notice purposes.

9                   (The document referred to,  
10                   having been previously marked  
11                   for identification as Bureau  
12                   Exhibit 278, was received in  
13                   evidence.)

14                   MR. SCHAUBLE: Your Honor, I move Bureau Exhibit  
15                   279 into evidence.

16                   MR. KELLER: No objection, Your Honor.

17                   CHIEF JUDGE CHACKIN: Bureau Exhibit 279 is  
18                   received.

19                   (The document referred to,  
20                   having been previously marked  
21                   for identification as Bureau  
22                   Exhibit 279, was received in  
23                   evidence.)

24                   MR. SCHAUBLE: Your Honor, I'd note at this point  
25                   that -- I'm sorry. Your Honor, I move Bureau Exhibit 280

1 into evidence.

2 MR. KELLER: No objection.

3 CHIEF JUDGE CHACKIN: Bureau Exhibit 280 is  
4 received.

5 (The document referred to,  
6 having been previously marked  
7 for identification as Bureau  
8 Exhibit 280, was received in  
9 evidence.)

10 CHIEF JUDGE CHACKIN: It's all gone so smoothly.  
11 At some point, I assume, it's not going to go so smoothly.

12 MR. KELLER: Is this a good break point?

13 MR. SCHAUBLE: I think this is a good point  
14 because we're getting to different sorts of documents.

15 CHIEF JUDGE CHACKIN: Do you want to take an hour  
16 lunch now?

17 MR. KELLER: Sure.

18 MR. SCHAUBLE: Sure.

19 CHIEF JUDGE CHACKIN: Okay. We're take an hour  
20 lunch and come back at 1:00.

21 (Whereupon, at 12:05 p.m., the hearing recessed,  
22 to reconvene that same day, Monday, November 30, 1998, at  
23 1:00 p.m.)

24 //

25 //



1 Kay.

2 Furthermore, while there was a previous ruling by  
3 Judge Sibbel, I believe that ruling is entered solely for  
4 purposes -- what Kay had filed was a motion for emergency  
5 protective relief in conjunction with the depositions  
6 themselves. I do not believe that Judge Sibbel's ruling  
7 pre-judged admissibility at hearing.

8 We believe that under certainly California law and  
9 I believe there's probably corresponding Federal statute  
10 regarding self-help discovery, there are some problems with  
11 that issue. But beyond that, setting that aside, there are  
12 a number of what I would call, for lack of a better term,  
13 chain of custody problems with this exhibit.

14 Setting aside whether the exhibits were or were  
15 not stolen, there is dispute among the witnesses regarding  
16 how they came to be. Mr. Cordaro's story of how he obtained  
17 these files is contradicted by other witnesses who would  
18 have greater knowledge.

19 Even accepting Mr. Cordaro's version as true, the  
20 fact is the files were removed and taken off of the system  
21 in a format not the way Mr. Kay keeps them. In other words,  
22 rather than in their resident status, they were zipped, put  
23 on disks, removed, kept for -- we don't know exactly how  
24 long, and we don't exactly where and what happened to them  
25 during that time.

1           We do not know whether there were any changes to  
2 these files before they were produced to the Bureau. We do  
3 not know what procedure the Bureau went through in  
4 unarchiving these files and decompressing them.

5           Furthermore, the exhibit that's being offered is  
6 not the files themselves, but rather a print-out, which is  
7 not the data in its native format. And it's not readily  
8 apparent from this. I mean, this gets back to the  
9 compilation that was not actually introduced into evidence,  
10 but a reasonably layman does not necessarily just look at  
11 this and figure out what numbers match up to that  
12 compilation or what witnesses are going to testify to.

13           Those are just a few of our objections to this  
14 particular exhibit. You know, at a minimum, we would have  
15 to have someone who could testify to us regarding just what  
16 this is, and I don't believe that's Mr. Cordaro. I don't  
17 believe, if I'm understanding the Bureau right, Mr. Cordaro  
18 is not responsible for pulling this stuff out of the files  
19 and printing it out in this format.

20           So, those are just -- I'll stop right there.

21           CHIEF JUDGE CHACKIN: All right.

22           MR. SCHAUBLE: Your Honor, several responses. One  
23 second. Your Honor, we're not aware of any testimony where  
24 Mr. Cordaro has admitted that he stole the files. As far as  
25 we know, that's an open question.

1 I think if you take a look at the cases, Mr.  
2 Keller made a reference to self-help discovery. This is not  
3 self-help discovery. There's not even any allegation that  
4 the Bureau did anything improper. What the Bureau did, the  
5 Bureau issued a subpoena on Mr. Cordaro, which was a lawful  
6 subpoena signed by Judge Sibbel. And Mr. Cordaro produced  
7 those records pursuant to the --

8 CHIEF JUDGE CHACKIN: What was the request that  
9 the Bureau made to Mr. Cordaro?

10 MR. KNOWLES-KELLETT: Bring any documents related  
11 to Kay's loading that you have. I'm just paraphrasing it.

12 We made a document request to him. The definition  
13 of document request included computer files. And when he  
14 produced this, we didn't know what it was. We actually  
15 adjourned the deposition to be able to open it because we  
16 did not have -- you know, we weren't sitting there capable  
17 of opening computer files.

18 MR. SCHAUBLE: With respect to the chain of  
19 custody, the Bureau is going to have testimony from Mr.  
20 Cordaro concerning what happened with these files. And the  
21 important point here is -- you know, there's also testimony  
22 from Craig Sobel who performs much of Mr. Kay's computer  
23 programming work. Mr. Sobel analyzed these documents and  
24 concluded that based upon his review, in particular, certain  
25 date stamps, that these were, in fact, copies of files that

1 were in Mr. Kay's computer as of a given date.

2 So, I think that goes a long way towards meeting  
3 any authenticity problems. But I mean, clearly there's  
4 going to be some oral testimony required from --

5 CHIEF JUDGE CHACKIN: Who's going to testify?  
6 Craig Sobel's going to testify?

7 MR. SCHAUBLE: Craig Sobel and Mr. Cordaro.

8 MR. KNOWLES-KELLETT: But Craig Sobel is the  
9 computer guy who can testify that this is a print-out of the  
10 database contained in the disc files that Cordaro produced.

11 MR. KELLER: Your Honor, I think there's also --  
12 in addition to the other objections we've mentioned, there's  
13 also I guess again, for lack of a better term, what I would  
14 call a best evidence issue here. These files, which I  
15 believe are -- aren't they circa March '95? Isn't that  
16 about the date of the files?

17 MR. SCHAUBLE: I believe that's correct.

18 MR. KELLER: Along about the same timeframe plus  
19 or minus a few weeks in response to discovery, Mr. Kay  
20 produced the actual underlying data in the form of these,  
21 what was referred to earlier by counsel as screen shots or  
22 screen prints or whatever. Those screen prints were the  
23 same database that these files ostensibly were taken from.

24 And it seems to me if the Bureau is going to  
25 maintain that what is in these files is different from what

1 Mr. Kay already produced, I would at a minimum, think they  
2 should introduce the full data then, actually introduce the  
3 data that Mr. -- it's not like this is data that Mr. Kay  
4 withheld from the Bureau. He just provided it to them in a  
5 different format.

6 MR. SCHAUBLE: Your --

7 CHIEF JUDGE CHACKIN: Let counsel finish.

8 MR. KELLER: That's all.

9 CHIEF JUDGE CHACKIN: Go ahead.

10 MR. SCHAUBLE: Your Honor, I believe these  
11 documents are very important for one reason. Mr. Kay was  
12 deposed over two different periods of times in this case.  
13 And at the first time, he testified that his recollection  
14 was that the interrogatory print-outs, that's answer to  
15 Interrogatory 4, which is Exhibit 19, that at the time that  
16 was produced, all those customers were on the system at that  
17 point in time and had access to these frequencies in  
18 question.

19 With respect to the -- after the Cordaro database  
20 came to light, he changed his testimony and testified that  
21 in producing Exhibit 19, he had removed a delete flag from  
22 his computer system. And that therefore, some of these  
23 customers that in Exhibit 19, were not, in fact, on the  
24 system at the time Exhibit 19 was produced.

25 So, we think these records are important to get a

1 clear and accurate picture and exactly who was on Mr. Kay's  
2 system at given periods of time.

3 Mr. Keller made the point earlier this morning  
4 that with respect to loading, that it's not necessarily any  
5 one given point in time, like when the license is granted,  
6 but you have to have as much information as you can in order  
7 to accurately assess the loading and determine someone's  
8 properly loaded.

9 We think is another vital piece of information  
10 needed in order to assess --

11 CHIEF JUDGE CHACKIN: Let me interrupt you. This  
12 data, as of what date does this show the loading?

13 MR. SCHAUBLE: March 8, 1995.

14 CHIEF JUDGE CHACKIN: March 8, 1995. And  
15 according to you, Mr. Keller, what date are the data that's  
16 in the record?

17 MR. KELLER: Well, that's part of the problem.  
18 He's referring to Exhibit 19. And I'll ask counsel to  
19 correct me if I'm wrong. I believe that Exhibit 19 was  
20 submitted by Kay in about November of 1995?

21 MR. SCHAUBLE: That's correct.

22 MR. KELLER: That's correct. Okay. But the March  
23 8, 1995 data from the Cordaro discs, the implication in what  
24 Mr. Schauble just said is that Kay somehow withheld that  
25 information, and then only later in November provided what

1 is now Exhibit 19. And that's not quite an accurate  
2 assessment.

3 Back in March -- I think roughly in March of  
4 '95 -- don't hold me to the exact date, but I'm sure it's  
5 within a few weeks of March 8, Mr. Kay, in response to  
6 interrogatories or document requests, I'm not sure which,  
7 did in fact provide the Bureau with voluminous data. He  
8 provided them with essentially the same data from his  
9 database, the same database that's now ostensibly at issue  
10 in the form of these screen shots.

11 We even attempted to inquire of this of their  
12 expert about whether in fact there was any data fields in  
13 the information that Mr. Kay provided that is missing from  
14 the essential data that is in this so-called Cordaro data.  
15 Well, at that time there expert had not reviewed this issue.  
16 But I mean, it's our position that Mr. Kay already provided  
17 this.

18 Now, through the exhibits, what the Bureau is  
19 doing is just selectively introducing a few of those screen  
20 shots. We feel if they feel that the March '95 database is  
21 critical evidence, then they should use the database as  
22 provided to them by Kay, not this database that has all  
23 these other peripheral issues, not the least of which we  
24 maintain it was stolen. And by the way, I guess the Bureau  
25 may not know, but I think the Bureau is aware that Mr.

1 Cordaro was served with a lawsuit at one of his more recent  
2 depositions in this case. And he has resolved that lawsuit.  
3 And it's in that context that he did admit to this.

4 And then the other technical issues about how this  
5 data was actually prepared, how it was redacted. I mean, we  
6 don't have any of those issues. If we just rely -- unless  
7 the Bureau is telling me that they believe that the data  
8 that Mr. Kay provided in March of '95 is incomplete or  
9 inaccurate, but if that's the case, they should confront the  
10 data and we should know that, not just have that suggested  
11 by innuendo.

12 CHIEF JUDGE CHACKIN: What's the story?

13 MR. KNOWLES-KELLETT: At least to us, the data  
14 provided in March was not in a format that we could  
15 understand. And I think, you know, we might able to admit  
16 this exhibit subject to it being different than that.

17 I take that back. Your Honor, this comes in at  
18 least I think to show that it brought to light that the data  
19 provided by Kay he recanted his previous deposition  
20 testimony and said the reason it's different from this is  
21 such and so, such and so, and as far as this stonewalling,  
22 should come in.

23 CHIEF JUDGE CHACKIN: Under what issue? Are you  
24 making another misrepresentation issue, or what are we doing  
25 here?

1           MR. SCHAUBLE: I think this is very relevant to  
2 the 308(b) and the loading issue, Your Honor.

3           CHIEF JUDGE CHACKIN: How is this -- 308(b)? I  
4 thought that dealt with material prior to the thing being  
5 designated -- this case being designated for hearing.

6           MR. KNOWLES-KELLETT: His state of mind continued  
7 well into the hearing, Your Honor. In fact, Judge Sibbel  
8 was reversed on summary decision after a finding that he  
9 continued to stonewall well into the hearing.

10          CHIEF JUDGE CHACKIN: Wait a minute. Who was  
11 reversed?

12          MR. KNOWLES-KELLETT: Sibbel.

13          CHIEF JUDGE CHACKIN: What position did Judge  
14 Sibbel take?

15          MR. KNOWLES-KELLETT: Sibbel revoked all Kay's  
16 licenses.

17          CHIEF JUDGE CHACKIN: I understand he did that.

18          MR. KNOWLES-KELLETT: Right. On the 308(b)  
19 combined with --

20          CHIEF JUDGE CHACKIN: Summary decision was  
21 improper.

22          MR. KNOWLES-KELLETT: Right. That there was  
23 issues of intent that had to be dealt with at a hearing.

24          CHIEF JUDGE CHACKIN: What is the issue of intent  
25 have to do with this?

1 MR. KNOWLES-KELLETT: I think it goes to the  
2 sanction, Your Honor.

3 CHIEF JUDGE CHACKIN: Well, wait a minute. Now  
4 you're confusing me. You told me before that this went to  
5 loading issue, at least that's what the impression I was  
6 under. Now you're saying that this somehow goes to the  
7 misrepresentation issue or 308 issue.

8 MR. KNOWLES-KELLETT: Correct.

9 CHIEF JUDGE CHACKIN: But the 308 issue dealt with  
10 correspondence with the Commission.

11 MR. KNOWLES-KELLETT: Correct.

12 CHIEF JUDGE CHACKIN: Which once this case was  
13 designated for hearing, that was the end of that. That's  
14 all the issue deals with. 308 correspondence with the  
15 Commission. What else does it deal with?

16 MR. SCHAUBLE: Your Honor, Mr. Kay made certain --  
17 in the course of the exchange of correspondence, Mr. Kay  
18 made certain representations concerning the state of his  
19 records and difficulty of or burden imposed by responding to  
20 the Commission's request for inquiry. These records, among  
21 other things, show that -- we think contradict the nature of  
22 Mr. Kay's representations and show that he -- and show that  
23 in fact he could have responded to the Commission's 308(b)  
24 letter of inquiry rather easily by copying these files,  
25 providing a brief explanation.

1           MR. KNOWLES-KELLETT: Right. Very specifically,  
2 Kay's letter, which he attested to, said -- and it came in  
3 this morning. It's an admission of a party deponent -- said  
4 it is not convenient for me to provide these records to the  
5 Commission. Mr. Cordaro and Mr. Sobel will testify that  
6 these records in the exhibit in dispute which would have  
7 fully satisfied the Commission's request for loading as of a  
8 particular date, could be zipped together off the C drive  
9 and provided to the Commission on a floppy disk in a matter  
10 of less than half an hour.

11           To that extent, these records are extremely  
12 relevant to the 308(b) issue. The statement that it's not  
13 convenient, followed up by pleadings that say it would take  
14 me 90 or 120 days to gather the requested information, et  
15 cetera, is totally belied by this exhibit.

16           CHIEF JUDGE CHACKIN: What exhibit do you have in  
17 mind that Kay made representations concerning 308 that  
18 you're going to show?

19           So, this material does not go to the loading issue  
20 you're telling me?

21           MR. SCHAUBLE: It goes for both, Your Honor.

22           CHIEF JUDGE CHACKIN: Well, that's where I have  
23 difficulty. If Mr. Kay has provided you with information as  
24 to the loading issue, which apparently is I understand  
25 similar in content to this material, why do we need this

1 material?

2 MR. SCHAUBLE: Your Honor --

3 CHIEF JUDGE CHACKIN: It's already in exhibit  
4 form. Is that correct? The answer to interrogatories?

5 MR. SCHAUBLE: We have the -- there are two  
6 things. For lack of a better term, they're called customer  
7 printout screens which are interspersed throughout several  
8 of the exhibits.

9 MR. KELLER: Some of which -- a very small  
10 percentage --

11 MR. SCHAUBLE: Not all of which.

12 MR. KELLER: A minor portion.

13 MR. SCHAUBLE: And when the Bureau originally  
14 receives -- Mr. Kay provided this information -- provided  
15 the printout screens, but he didn't provide all the  
16 information that was needed in order to accurately read  
17 these screens. For instance, there's references to --

18 CHIEF JUDGE CHACKIN: But did he subsequently  
19 provide that information?

20 MR. SCHAUBLE: Eventually at his deposition.

21 CHIEF JUDGE CHACKIN: The information was  
22 provided?

23 MR. KNOWLES-KELLETT: The information wasn't  
24 exactly provided. Different information, but similar was  
25 provided.

1           MR. KELLER: Well, Your Honor, if I may be heard  
2 on this briefly. There were essentially -- Mr. Kay's  
3 deposition, and I'm not sure which session of the deposition  
4 this occurred in, where in December of '96, in January of  
5 '97. Is that not correct? Roughly that timeframe?

6           MR. KNOWLES-KELLETT: I believe so. Roughly, yes.

7           MR. KELLER: Okay. So, that's fairly recently,  
8 within the last year where Mr. Kay gave his depositions.

9           But going back, Mr. Kay first responded in  
10 discovery and I submit that the record will reflect that  
11 whatever Mr. Kay provided in March of '95 was what the  
12 Bureau asked for. They asked for certain records, and he  
13 provided the records. Not in this format, granted. He took  
14 his database -- his customer database, and he printed out  
15 the screen for each customer record. And he provided that  
16 to the Bureau. That was in roughly March of '95.

17           It is alleged -- we do not concede, but it is  
18 alleged that what this exhibit represents is the printout of  
19 the underlying data file of that same database taken off of  
20 Mr. Kay's computer by Mr. Cordaro in roughly the same  
21 timeframe. So, what I have never heard suggested by the  
22 Bureau even though we've hinted around at it several times  
23 in discovery, the Bureau has never suggested that the data  
24 that Mr. Kay provided in March of '95 was, in any  
25 substantive sense, inaccurate as compared to this Cordaro

1 data.

2 Mr. Kellett made suggestions earlier that Mr.  
3 Kay --

4 CHIEF JUDGE CHACKIN: Before you go on, let me get  
5 an answer from the Bureau. Is that your position, that it's  
6 accurate? The date supplied by Mr. Kay in March 1995 is  
7 inaccurate?

8 MR. KNOWLES-KELLETT: Whether it's inaccurate,  
9 Your Honor, or my inability to discern the same data from  
10 the customer printouts, I can't fully attest to. I can tell  
11 you when I read the customer printouts, I don't know what's  
12 going on. When I read Cordaro's documents, I do know  
13 exactly what's going on. And our document request in March  
14 '95 included all computer files.

15 And this computer file from Mr. Cordaro was not  
16 produced at that time. Kay testified that he routinely  
17 destroyed these computer files. He backed them up every two  
18 weeks and he routinely destroyed it. But our document  
19 request fully requested that computer file, and it was not  
20 produced.

21 And so, they're substituting this customer  
22 printout screen. We believe it's inadequate. And it may be  
23 that all the information is here. But that's going to be  
24 hard time showing it.

25 MR. KELLER: No. I --

1 CHIEF JUDGE CHACKIN: Go ahead, Mr. Keller.

2 MR. KELLER: I want to be heard a step further.  
3 There was a suggestion made earlier that Mr. Kay recanted or  
4 that somehow there was some inconsistencies in Mr. Kay's  
5 story. But I believe we're mixing apples and oranges there,  
6 because what Bureau is referring to is the difference  
7 between the March data, whether it is the Cordaro disc or  
8 the information that Kay provided in the customer screen  
9 printouts versus the supplemental interrogatory response  
10 filed in November of '95.

11 What happened was the Bureau objected that --  
12 essentially that the form of the data wasn't good. They  
13 wanted it out on a call sign by call sign basis. So, in  
14 November of '95, Kay went through the task, which he did say  
15 earlier would take many, many hours. And it, in fact, did,  
16 which resulted in the production of Exhibit 19. Exhibit 19  
17 was this same underlying data remassaged around in a format  
18 that the Bureau wanted. And it did take a lot of work.

19 I dispute the suggestion that this is responsive  
20 to what the loading request is. These are case customer  
21 records, Your Honor. They were not kept for purposes of  
22 loading. They were kept solely for purposes of billing. At  
23 the time they were provided, at the time Exhibit 19 was  
24 provided, at the time earlier when the first interrogatory  
25 response was provided, it was explained that these records

1 are incomplete for purposes of loading. But they were what  
2 he had.

3 In order to get to Exhibit 19, which he provided  
4 in November of '95, required many hours of work in  
5 deciphering of this data. So, I still submit that in March  
6 of '95, we provided the underlying data. Now, we can get  
7 into a dispute about whether if he's asked for a computer  
8 file and he prints it out -- I mean, arguably, yes, he  
9 should have given them the disc. I don't know. But the  
10 fact is, he printed out the data. It would be like, have I  
11 complied with discovery if I print out the Word Perfect  
12 document and hand you a printout, as opposed to giving you  
13 the actual file?

14 I still submit that if you sit down and compare  
15 the -- assuming the Cordaro data is accurate, if it's  
16 compared to the screen shots that Mr. Kay provided in March  
17 of '95, I think one will find very few discrepancies.

18 The deletion flag issue has to do with something  
19 that occurred between March of '95 and November of '95, when  
20 the compilation was produced. And that's why, if you look  
21 at Exhibit 19, it does not match up exactly to the Cordaro  
22 data because there's a difference between March and  
23 November. Again, assuming for the sake of argument, that  
24 the Cordaro data is accurate.

25 MR. KNOWLES-KELLETT: Your Honor, we believe the

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1 testimony will show that Mr. Keller's representation is not  
2 accurate. The testimony will show that Mr. Kay, when he  
3 testified in December, said that all mobiles had access to  
4 these frequencies as of the date of Exhibit 19. When the  
5 Cordaro document came to light, Mr. Kay went back and said,  
6 "Whoops, I forgot. I included all sorts of historical  
7 records in Exhibit 19." And that it is very clearly not  
8 just the difference between March and November. But  
9 historical records for the previous year or two were also  
10 included to inflate those mobile accounts in Exhibit 19.

11 CHIEF JUDGE CHACKIN: So, is Bureau Exhibit 19 --  
12 forget about the representation issue, your claim about 308.  
13 Is Bureau Exhibit 19 together with the March 1995 data  
14 contain all the information you need or what?

15 MR. KNOWLES-KELLETT: I believe not, Your Honor.

16 CHIEF JUDGE CHACKIN: Well, what information is  
17 lacking in this exhibit?

18 MR. SCHAUBLE: Your Honor, for one thing, using  
19 the -- the Cordaro database has the information we need in  
20 order to weed out in Exhibit 19 which of the customers  
21 listed in Exhibit 19 are historical customers and were not  
22 on the system at the time Kay responded to our Interrogatory  
23 4.

24 Your Honor, if you go to Exhibit 19, you'll see  
25 there's a listing -- well, various listings of customers.